

FILED
Superior Court of California
County of Los Angeles

12/12/2024

David W. Slayton, Executive Officer / Clerk of Court

By: D. Oura Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CLAUDIO MAGNO, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

NUSTAR SERVICES COMPANY LLC, a
limited liability company; and DOES 1 through
10, inclusive,

Defendants.

Case No.: 23LBCV02040

PAGA REPRESENTATIVE ACTION

[Assigned for all purposes to: Hon. Michael
P. Vicencia, Dept. S-26]

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION TO APPROVE
PAGA SETTLEMENT**

Date: December 12, 2024
Time: 8:30 a.m.
Dept.: S26
Reservation ID: 127089135442

Complaint Filed: October 25, 2023
Trial Date: not set

[PROPOSED] ORDER

This matter came on for hearing on December 12, 2024 at 8:30 a.m. in Department S26 of the above-entitled Court, the Honorable Michael P. Vicencia presiding. Based on the pleadings on record, all papers submitted in connection with Plaintiff's Notice of Motion and Motion to Approve PAGA Settlement (the "Motion"), and for good cause appearing, Plaintiff's Motion is GRANTED.

The Court approves the PAGA Settlement Agreement ("Settlement") entered into by Plaintiff Claudio Magno ("Plaintiff") and Defendant NuStar Services Company, LLC ("Defendant", and together with Plaintiff, the "Parties"), and hereby ORDERS as follows:

1. Defendant shall pay the Gross Settlement Amount of \$170,000.00 according to the terms of the Settlement.

2. The Net Settlement Amount means the Gross Settlement Amount minus the following: (a) \$56,666.00 allocated to Attorneys' Fees; (b) \$19,722.62 allocated to litigation costs; (c) \$2,950.00 allocated to Settlement Administrator Costs; and (d) \$7,500.00 allocated to Plaintiff as a Service Award.

(a) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of Attorneys' Fees in the amount of Fifty Six Thousand Six Hundred Sixty Six Dollars and Zero Cents (\$56,666.00), to be paid from the Gross Settlement Amount.

(b) The Court approves payment to Plaintiff's counsel, Wilshire Law Firm, of litigation costs in the amount of Nineteen Thousand Seven Hundred and Twenty-Two Dollars and Sixty-Two Cents (\$19,722.62), to be paid from the Gross Settlement Amount.

(c) The Court approves payment to the Settlement Administrator, Phoenix Settlement Administrators, for its reasonable costs and fees to administer the Settlement, not to exceed Two Thousand Nine Hundred Fifty Dollars and Zero Cents (\$2,950.00), to be paid from the Gross Settlement Amount.

(d) The Court approves Seven-Thousand Five-Hundred Dollars and Zero Cents

1 (\$7,500.00) to be paid to Plaintiff as a Service Payment for his efforts as a
2 named plaintiff and representative for other PAGA Employees and the State
3 of California, to be paid from the Gross Settlement Amount.

4 3. Of the Net Settlement Amount, 75% is allocated to the California Labor and
5 Workforce Development Agency (“LWDA”); and 25% is allocated to the Individual PAGA
6 Payments.

7 4. The “PAGA Period” is defined as the period from July 21, 2022 through the date
8 the Court grants approval of the settlement.

9 5. “Aggrieved Employees” are defined as all non-exempt employees of Employer in
10 California (“Covered Position”) at any time during the period of July 21, 2022, through the date
11 the Court grants approval of the settlement.

12 6. “Effective Date” means the date by which all of the following have occurred: (a)
13 the Court has approved the Settlement; (b) the Court has entered the Final Order; and (c) the longer
14 of (1) 30 days after entry of judgment on the PAGA claims, or (2) any date set by the Court for
15 anyone to object, appeal or intervene, without objection, appeal or intervention, or in the event of
16 any objection, appeal or intervention is filed, the date that the same is disposed in the Parties’ favor
17 and is no longer subject to review by any court, whether by appeal, petition for rehearing or re-
18 argument, petition for review, or otherwise.

19 7. The Court directs Defendant to fully fund the Gross Settlement Amount by
20 transmitting the funds to the Settlement Administrator within 30 days of the Effective Date.

21 8. The amount of each Aggrieved Employee’s Individual PAGA Payment shall be
22 calculated based on that Aggrieved Employees’ proportionate number of workweeks during the
23 Settlement Period in relation to the total number of workweeks of all Aggrieved Employees during
24 the Settlement Period.

25 9. The Court directs the Parties and the Settlement Administrator to carry out the terms
26 of the Settlement.

27 10. Under California Code of Civil Procedure section 664.6, the Court retains
28 jurisdiction over the Parties to enforce the Settlement until performance in full of the Settlement’s

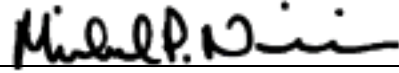
terms.

11. Plaintiff's counsel shall submit a copy of this Order to the LWDA within seven (7) days of the entry of the Order.

12. The above-referenced action and all claims asserted by Plaintiff individually and in a representative capacity are hereby dismissed with prejudice.

13. Plaintiff shall give notice.

DATE: 12/12/2024



Honorable Michael P. Vicencia
Los Angeles County Superior Court

PROOF OF SERVICE

Magno v. NuStar Services Company LLC, et al.
23LBCV02040

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On November 14, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Christopher A. Stecher (SBN 215329)

christopher.stecher@kyl.com

Simon Levy (SBN 305569)

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Amanda Botelho (SBN 352231)

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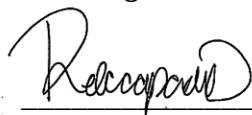
Telephone: (562) 436-2000

Attorneys for Defendant NuStar Services Company LLC

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on November 14, 2024 at Los Angeles, California.



Rebecca Padilla